

SPEAKER'S RULING

MONDAY 21st FEBRUARY, 2022

HON. SPEAKER: Honourable Members, the Assembly will recall that on Thursday 10th February, 2022 the First Reading of the Constitution (Amendment) Bill, 2021 was done in accordance with Standing Order 65. Accordingly, and as per Standing Order 67(1), on Thursday 17th February, 2022, the person-in-charge of the Bill, the Hon. Member for Banjul South moved a motion for the Second Reading of the Bill. The motion was seconded on the same day and the debate ensued on the merits and principles of the Bill. Upon the completion of the debate, a vote was to be taken as required by Standing Order 67(2) before the Clerk could read the short title of the Bill signifying the Second Reading. However, Hon. Members may be reminded and as was communicated then, that section 226 2(b) of the 1997 Constitution mandatorily requires that a Bill for an Act of the National Assembly amending or altering the Constitution shall not be passed by the National Assembly or presented to the President for assent unless it is supported on the SECOND and THIRD readings by the votes of not less than three-quarters of all the members of the National Assembly.

Hon. Members, three-quarters of all the Members of the National Assembly is forty-two (42) NAMs. In addition, Standing Order 16(15) also requires that: *"In any instance where the Constitution requires a fixed majority to decide on a question, the Assembly shall not proceed to a vote on that question unless and until a number of*

Members equivalent to such fixed majority is present at the time for voting."

Hon. Members, as the above provisions are significant and fundamental procedural requirements of both the Constitution and the Standing Orders of the National Assembly, I directed that the division bell be rung for four minutes for members to take their seats and further requested the Table Office to confirm the number of Members present at the time – i.e. on Thursday 17th February, 2022. However, there were thirty-five (35) Hon. Members present, falling short of the required threshold of forty-two (42) for voting to proceed. As a result, I exercised my discretion as presiding officer, given the importance of the proposed Constitutional amendment, to suspend the voting until Monday 21st February, 2022 to sustain the process.

Hon. Members, today also, the number present (i.e. 34 NAMs) is confirmed by the Table Office to be less than the requirement for voting to proceed on the Second Reading of the Constitution (Amendment) Bill, 2021.

Hon. Members, it could be observed that the situation the Assembly is witnessing over the weeks is unusual in our procedures and proceedings. In other words, the National Assembly has never encountered situation where voting on a Second Reading of a Bill was hampered because of the absence of the required threshold.

NOW THEREFORE:

Cognisant of section 226 of the Constitution of the Republic of The Gambia and Standing Order 16(15) of the Standing Orders of the National Assembly;

Recognising that an Ordinary Session of the Assembly must end sine-die at some point and that the current session (First Ordinary Session 2022) ends on the 28th February, 2022;

Whereas there is no express provision in the Standing Orders regarding the matter at hand and in accordance with Standing Order 8, I hereby rule that the Second Reading on the Constitution (amendment) Bill, 2021 is negatived for want of the required threshold to carry the motion for Second Reading of the Bill.